

02/28/07

1/15/07



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/827,559
Filing Date: 04/19/2004
Applicant: Yoshiki Katoh, et al.
Group Art Unit: 3744
Examiner: John K. Ford
Title: HEAT EXCHANGER
Confirmation: 4409
Attorney Docket: 4041J-000859

Director of The United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES
AND PETITION FOR EXTENSION OF TIME**

Sir:

In response to the Office Action mailed November 30, 2006, Paper No./Mail Date 20061127, please consider the following.

Applicants hereby petition under the provisions of 37 C.F.R. § 1.136(a) for a two month extension of time in which to respond to the outstanding Office Action and includes a fee as set forth in 37 C.F.R. § 1.17(a) with this response for such extension of time.

03/01/2007 CNGUYEN2 00000059 10827559

01 FC:1252

450.00 OP

RESTRICTION REQUIREMENT

The Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1-22 and 26-33, drawn to a heat exchange apparatus, classified in class 165, subclass 61.
- II. Claims 23-25 and 34-38, drawn to a method of using an apparatus, classified in class 62, subclass --.

Applicants, without traverse, respectfully request the Examiner to proceed with Invention I defined by Claims 1-22 and 26-33. Applicants request that the non-elected Claims be held in abeyance for further prosecution in future divisional and/or continuation applications.

ELECTION OF SPECIES

The Examiner has required an election of species pursuant to 35 U.S.C. § 121 to one of the following patentably distinct species:

- I. Figures 1A-1B, 2;
- II. Figures 1A-1B, 3;
- III. Figures 1A-1B, 4;
- IV. Figures 1A-1B, 5;
- V. Figures 6A-6E;
- VI. Figures 7A-7C;
- VII. Figure 9;
- VIII. Figures 10A-10C;

- IX. Figures 11-14E;
- X. Figure 15; and
- XI. An in-determinant number of additional un-illustrated variants of the above species disclosed in the specification but not in the drawings.


Applicants, without traverse, respectfully request the Examiner to proceed with Species I principally illustrated in Figures 1A-1B and 2. Applicants believe that Claims 1-3, 21 and 22 read on the elected species. Applicants request that the non-elected Claims be held in abeyance for possible rejoinder and/or further prosecution in future divisional and/or continuation applications.

CONCLUSION

It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this Response is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: February 27, 2007
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303
(248) 641-1600

By: 
Michael J. Schmidt
Reg. No. 34,007

MJS/pmg